

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CAROLYN MILLER, nee Webber, on behalf of)
herself and others similarly situated,)

Plaintiff,

V.

SOUTHWEST CREDIT SYSTEMS, L.P.

Defendant.

Civil Action No. 1:18-cv-04088

Hon. Rebecca R. Pallmeyer

**LOCAL RULE 56.1 STATEMENT OF UNCONTESTED MATERIAL FACTS IN
SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, CAROLYN MILLER (“Plaintiff”), by and through her attorneys, submits this statement of material facts to which there are no genuine issues, and which entitles Plaintiff to summary judgment in her favor, as follows:

The Parties

1. Plaintiff is a natural person and currently resides at 321 N. Liberty Street, Elgin, IL 60120. *See* Exhibit A, Plaintiff’s Carolyn Miller’s Responses to Defendant’s First Set of Discovery, First Set of Interrogatories, ¶1.
2. Defendant Southwest Credit Systems, L.P. (“Defendant” or “SWC”) is a Texas limited partnership that maintains a registered agent in Illinois. *See* Exhibit B, Defendant’s First Amended Answer Dkt. #13, ¶7.
3. SWC is a “debt collector” as that term is defined by the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692a(6), because it regularly collects defaulted consumer debts. *See* Exhibit B, ¶10.
4. SWC is engaged in the business of a collection agency, using the mails and telephone to collect consumer debts originally owed to others. *See* Exhibit B, ¶8.

5. SWC holds a collection agency license from the State of Illinois. *See* Exhibit B, ¶9.

The Violation

6. Plaintiff had a home security monitoring service with Platinum Protection, LLC on July 30, 2011. *See* Exhibit G, Alarm Monitoring Agreement with Platinum Protection.

7. Monitronics Funding, LP and Monitronics International, Inc. were listed in the Alarm Monitoring Agreement as entities that Platinum Protection, LLP “may assign or subcontract all or any portion of” the agreement to. *See* Exhibit E, p.2 ¶18, enlarged on p.3.

8. The security monitoring service was used solely in Plaintiff’s home and not for business purposes. *See* Exhibit C, Plaintiff Carolyn Miller’s Deposition, 25:14-26:1-5.

9. On or about October 19, 2014, Plaintiff sent a letter to “Platinum Protection or Monitronics” requesting that the alarm monitoring service (“security service”) be cancelled. *See* Exhibit D, Plaintiff Carolyn Miller’s Cancellation Letter.

10. On October 1, 2016, Monitronics International, Inc. was rebranded as MONI. *See* Dkt. #40-2, Exhibit A, Jeff Hazzard’s Affidavit, ¶6.

11. Subsequently, SWC began collecting the alleged debt. *See* Exhibit B, ¶15.

12. On or about March 29, 2018, SWC sent a collection letter (“Letter”) directly to Plaintiff regarding the alleged debt, through U.S. mail. *See* Exhibit E.

13. The Letter was SWC’s initial communication with Plaintiff. *See* Exhibit B, ¶19.

14. The Letter conveyed information regarding the alleged debt, including an account number and total balance due on the alleged debt. *See* Exhibit E.

15. The Letter lists the “CREDITOR” as “MONI.” *See* Exhibit E.

16. There is no such entity named MONI registered with the State of Illinois to do business with Illinois consumers. *See* Illinois Secretary of State Business Search – MONI conducted at <https://www.ilsos.gov/corporatellc/CorporateLlcController>

17. Prior to sending the Letter on or about March 29, 2018, Defendant was informed that Monitronics had rebranded as MONI. *See* Exhibit F, Jeff Hazzard's Deposition, 33:11-13.

18. Defendant did not include information that explained the connection between MONI and Monitronics in the Letter sent to Plaintiff. *See* Exhibit E.

19. After receiving the March 29, 2018 Letter from SWC, Plaintiff was confused and did not know the creditor to whom the debt is owed. *See* Exhibit C, 36:8-14.

20. Defendant understands that it is up to them to list the creditor to whom the debt is owed in a way Plaintiff understands. *See* Exhibit F, 32:21-33:1.

21. It would have been possible for SWC to include information that explained the relationship between MONI and Monitronics. *See* Exhibit F, 36:20-25.

Respectfully submitted,

By: s/ Celetha Chatman
One of Plaintiff's Attorneys

Celetha Chatman
Michael Wood
Community Lawyers Group, Ltd.
20 N. Clark Street, Suite 3100
Chicago, IL 60602
Ph: 312.757.1880
Fx: 312.265.3227
cchatman@communitylawyersgroup.com
mwood@communitylawyersgroup.com

CERTIFICATE OF SERVICE

I, Celetha Chatman, an attorney, hereby certify that on May 13, 2019, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such filing to all attorneys of record.

Dated: May 13, 2019

Respectfully submitted,

By: /s/ Celetha Chatman